PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: Description of Lots 53-60 of Seneca Park Beach The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Begining for the same at a point on the South-East corner Variance from Section 1A04.3 B. 3. to permit a setback from the bulkhead of 14 feet of the intersection of Seneca Park Road 30' right-of-way and Beach instead of the required 50 feet and to amendCase No. 4241-X to allow the proposed Road 20' right of-way. Said point being a North-West boundry point. expansion. along Seneca Park Road 81'± West of Lot 52-51 boundry point and 25'± East along Beach Road from Lot 51-50 boundry point. Said point of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) also being a North most boundry point of Lot 51 as recorded among l) There is a practical difficulty in utilizing existing concrete floor slab, fixtures and utilities if proposed expansion is not constructed on existing Land Records of Baltimore County on Plat Book 8 Folio 45 of Seneca restroom location, which is 14 feet from bulkhead. 2) There is also a practical difficulty in constructing the proposed structure Park Beach subdivision dated April 1926. with a 50' set back, which would impede on site traffic flow to parking, boat ramp and travel lift. to a second point at the North-West corner of Lot 53 Property is to be posted and advertised as prescribed by Zoning Regulations. 1) Thence running along Seneca Park Road 30' right-of-way I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. in a Easterly direction for 300't to a third point at the North-West carner of Lot 59. I/We do solemnly declare and affirm, under the penaltics of perjury, that I/we are the legal owner(s) of the property 2) Thence running along Seneca Park Road 30' right-of-way which is the subject of this Petition. in a South-Easterly direction 100'± to a fourth point at the Contract Purchaser Legal Owner(s): North-East corner of Lot 60. Raymond M. Porter (Type or Print Name) 3) Thence running in a South-Westerly direction 206'± to (Týpe/or Print Name) a fifth point at the waters edge at the South-East corner of Lot 60 . 4) Thence running in a Westerly direction along the waters edge Sheila Porter (Type or Print Name) to a sixth point at the South-West corner of Lot 53. City and State 5) Thence running in a Nort - Easterly direction 310'± to the Attorney for Petitioner: North-West corner of Lot 53. Donald E. Brand, Esquire 7603 Babikow Rd. Said boundrys encompasing the parcel of Lots 53 through ou (301) 335-6563 Type or Print Name) inclusive as recorded in afore mentioned Land Records of Baltimore tounty on Plat Book 8 Folio 45 or Seneca Park Beach, containing 809 Eastern Boulevard Name, address and phone number of legal owner, con-2.53 acers ± . tract purchaser or representative to be contacted Essex, Maryland 21221 Raymond Porter City and State Attorney's Telephone No.: 686-8274 7603 Babikow P : Balto, Md. 21237 (301) 335-6563 Phone No. ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_21st-4th day et ux /S.Seneca eneca Park country on the 24th 10th day of February March 19 86, at 9:45 o'clock Chitical area PETITION FOR ZONING VARIANCE addition, the variance requested will not be detrimental to the public health, 15th Election District safety, and general welfare. Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested LOCATION: South Side of Seneca Park Road, Southeast Corner of Seneca variance and amendments should be granted. Park Road and Beach Road (918 Seneca Park Road) Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, DATE AND TIME: Monday, February 24, 1986, at 9:45 a.m. this \_\_\_\_\_day of March, 1986, that the Petition for Zoning Variance to PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland permit a setback of 14 feet from a bulkhead instead of the required 50 feet The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and and, additionally, the amendments to Case Nos. 4241-X and 71-219-SPH be and Regulations of Baltimore County, will hold a public hearing: are hereby GRANTED, from and after the date of this Order, subject to the fol-Petition for Zoning Variance to permit a setback of 14 feet from the bulkhead in lieu of the required 50 feet and to amend Case No. 4241-X to permit the lowing: proposed expansion. 1. The Patitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition. Being the property of Raymond M. Porter, et ux . as shown on plat plan filed with the Zoning Office. In the event that this Petition(s) is granted, a building permit may be issued ing Commissioner of within the thirty (30) day appeal period. The Zoning Commissioner will, however, Baltimore County entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the AJ/srl hearing set above or made at the hearing. cc: Donald E. Brand, Esquire BY ORDER OF People's Counsel ARNOLD JABLON ZONING COMMISSIONER

Thence running 131'± along Seneca Park Road in a Easterly direct on eries ears

IN RE: PETITION ZONING VARIANCE The Petitioners herein request a setback of 14 feet from a bulkhead instead of the required 50 feet and, additionally, to amend Case No. 4241-X, as more particularly described on Petitioners' Exhibit 1. The Petitioners appeared and testified and were represented by Counsel. Steven K. Broyles, a registered civil engineer, testified on behalf of the Petitioners. Alice Lagna, a neighbor who resides across the street, also appeared on behalf of the Petitioner. There were no Protestants. At the onset of the hearing, the Petitioners moved to amend their Petition to request that Case No. 71-219-SPH also be amended. The motion was granted. Testimony indicated that the subject property, zoned R.C.5, was granted a special exception for a boatyard or marine railway in Case No. 4241-X. Subsequent thereto, Case No. 71-219-SPH determined the specific land area granted for the special exception. In the instant case, the Petitioners propose only to replace an existing 19' x 14' structure used for restrooms and some storage, which has been there for at least 25 years and is in a detergorating condition, with a 30' x 40' structure to be used also as restrooms but with increased storage area for motors, parts, and supplies. bulk gad, the same distance as the existing structure.

0 \* BEFORE THE ZONING COMMISSIONER RE: PETITION FOR VARIANCE S/S Seneca Park Rd., SE/ Corner of Seneca Park Rd. OF BALTIMORE COUNTY and Beach Rd. (918 Seneca Park Rd.), 15th District : Case No. 86-315-A RAYMOND M. PORTER, et ux, Petitioners :::::: ENTRY OF APPEARANCE Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. People's Counsel for Baltimore County Peter Max Zimmerman

Room 223, Court House Towson, MD 21204 494-2188 I HEREBY CERTIFY that on this 31st day of January, 1986, a copy of the foregoing Entry of Appearance was mailed to Donald E. Brand, Esquire,

809 Eastern Blvd., Essex, MD 21221, Attorney for Petitioner.

Deputy People's Counsel

/ uner man Peter Max Zimmerman

( may

The proposed structure cannot be located further back due to the maneuvering room, about 60 feet in circumference, necessary for boat lifts and fork lifts. Further, since the existing structure has been at this location for such a long time, it would be impractical to force the proposed structure to be relocated closer to the roadside at this time..

The Petitioners seek relief from Section 1A04.3.B.3, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 268 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- 1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief;
- 3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. or Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use, as proposed would not be contrary to the spirit of the BCZR and would not

result in substantial detriment to the public good. After due consideration of the testimony and evidence presented, it is lear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement from which the Petitioners seek relief would unduly restrict the use of the and due to the special conditions unique to this particular parcel. In

- 2 -

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING TOWSON, MARYLAND 21204

> ARNOLD JABLON ZONING COMMISSIONER

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 86-315-A

S/S of Seneca Park Road,

SE/corner of Seneca Park and

Beach Roads (918 Seneca Park Road) - 15th Election District \*

Petitioners \*

\* \* \* \* \* \* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Raymond M. Porter, et ux,

JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER

February 18, 1986

Donald E. Brand, Esquire 809 Eastern Boulevard Essex, Maryland 21221

> Re: Petition for Zozing Variance S/S Seneca Park Rd., SE/cor. of Seneca Park Rd. and Beach Rd. (918 Seneca Park Rd.) 15th Election District Raymond M. Porter, et ux - Petitioners Case No. 86-315-A

Dear Mr. Brandt

This is to advise you that \_\_\_\_\_\_\_is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the self.

more County, Maryland, and remit ilding, Towson, Maryland

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

0 Donald E. Brand, Esquire January 24, 1986 Donald E. Brand, Esquire February 7, 1986 809 Eastern Boulevard 809 Eastern Boulevard Romadka, Gontrum, Honnegan & Essex, Maryland 21221 Essex, Maryland 21221 GERMANIA FEDERAL BUTT.DING 900 EASTERN BOULEVALD ESSEX, MARYLAND 21221 NOTICE OF HEARING TELEPHONE (SC1) 686-8274 NOTICE OF HEARING RE: PETITION FOR ZONING VARIANCE S/S Seneca Park Rd., SE/cor. of Seneca ROBERT J. ROMADKA OF COUNSEL RE: PETITION FOR ZONING VARIANCE Park Rd. and Beach Rd. (918 Seneca Park Rd.) JOHN B. GONTRUM ALFRED M. WALPERT S/S Seneca Park Rd., SE/cor. of Seneca JOHN O. HENNEGAN 15th Election District Park Rd. and Beach Rd. (918 Seneca Park Rd.) CHARLES E. FOOS, DI Raymond M. Porter, et ux - Petitioners 15th Election District Case No. 86-315-A DONALD B. BRAND Raymond M. Porter, et ux - Petitioners Case No. 86-315-A January 30, 1986 Monday, February 24, 1986 Monday, March 10, 1986 PLACE: Room 106, County Office Building, 111 West Chesapeake Office of Planning and Zoning Room 106 PLACE: Room 106, County Office Building, 111 West Chesapeake County Office Building Avenue, Towson, Maryland 111 West Chesapeake Avenue Avenue, Towson, Maryland\_ Towson, Maryland 21204 86-315-A 15th Election District Re: Petition for Zoning Variance Raymond M. Porter, et ux - Petitioners Location: S/S of Seneca Park Rd., SE/cor. of Seneca Case No. 86-315-A Park Rd. and Beach Rd. (918 Seneca Park Rd.) Hearing Date: Monday, February 24, 1986 Dear Sir: Hearing: Monday, February 24, 1986, 71 9:45 a.m. Petition for Zoning Variance to permit a setback of Please be advised that I represent Raymond and Sheila Porter 14' from the bulkhead in lieu of the required 50' in connection with the above referenced hearing. Please note that I am involved in a civil case, Schreyer vs. Schreyer, Case No. 5/111/84 and to amend Case No. 4241-X to permit the proposed CSP-1711 where the court has appointed me as attorney for the minor expansion child of the parties. This hearing is scheduled for February 24, 1986. Therefore, I would appreciate if you would reschedule the above matter Petitioners: Raymond M. Porter, et ux and advise me of the new date. Thank you. of Baltimore County No. of Signs: 1 Very truly Pours, BALTIMORE COUNTY, MARYLAND AJ:med OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT Donald E. Brand 11 11.55 ... 2-5 1-615 cm WILL KOT BE BURIC. 1171 affence All Control of the Control BALTIMORE COUNTY, MARPLAND BOTIMORE COUNTY, MARQAND INTER-COFFICE CORRESPONDENCE INTER-OFFICE CORRESPONDENCE BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON MARYLAND 21204 Arnold Jablon Arnold Jablon TO Zoning Commissioner TO Zoning Commissioner February 13, 1986 Date February 10, 1986 Norman E. Gerber, AICP, Director January 29, 1986 Norman E. Gerber, ALCP, Director FROM Office of Planning and Zoning FROM Office of Planning and Zoning COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Haryland 21204 Chesapeake Critical Area Review - Raymond Porter, et ux (86-307-A); SUBJECT The Owl Corp. (86-307-A); B.A. Pierce, Jr., et ux (86-304-A); A.F. Surguy, et ux (86-324-A); and H. Horney (86-314-A) SUBJECT Zoning Petitions No. 86-307-A and 86~315-A Donald E. Brand, Esquire 809 Eastern Boulevard JANUARY 28, 1986 Mr. Arnold Jablon Raltimore, Maryland 21221 Zoning Commissioner County Office Building Towson, Maryland 21204 Chairman (CRITICAL AREA) In regard to the Porter, at ux and the Owl Corp., it has been determined RE: Item No. 193 - Case No. 86-315-A that these two petitions are consistent with the requirements of Critical Petitioners - Raymond M. Porter, et ux MEMBERS Area statute without the need of mitigative or other management practices. Re: Zoning Advisory Meeting of DECEMBER 3, 1985

Item + 193

Property Owner: RAYMOND M. PORTER, RTUX

Location: S/S SENECA PARK RD. 13115E There are no comprehensive planning factors requiring comment Variance Petition Bureau of Engineering The H. Horney petition involves a wooded site with a number of specimen trees. This petition will be deemed to meet the requirements of the Critical Department of Dear Mr. Brand: Dear Mr. Jablon: OF BEACH ROAD Area statute, if as many trees as possible are conserved, this would require The Zoning Plans Advisory Committee has reviewed the plans The Division of Current Planning and Development has reviewed the subject a simple plan showing the existing trees and indicating which ones are to State Roads Commission petition and offers the following comments. The items checked below are submitted with the above-referenced petition. The following comments be retained. In addition, a plan to protect the trees during construction Bureau of are not intended to indicate the appropriateness of the zoning action is necessary. As a minimum, each lot should contain four major deciduous Fire Prevention requested, but to assure that all parties are made aware of plans or (X)There are no site planning factors requiring comment.
(A County Teview Group Meeting is required.
(A County Review Group meeting was held and the minutes will be trees or eight conifers or 16 minor deciduous trees. Existing trees that Health Department problems with regard to the development plans that may have a bearing are retained on-site can be utilized toward meeting this requirement. This NEG:JGH:slm Project Planning on this case. The Director of Planning may file a written report with tree allocation is based on 2,400 feet of area suitable for tree planting. forward by the Sureau of Public Services.

This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract. Building Department the Zoning Commissioner with recommendations as to the suitability of At the petitioner's discretion, any mix or combination of plantings would be appropriate based on the formula of one major deciduous or two conifers the requested zoning. Board of Education )A record plat will be required and must be recorded prior or four minor deciduous trees for every 600 square feet of area. Zoning Administration to issuance of a building permit. Enclosed are all comments submitted from the members of the )The access is not satisfactory. Industrial Committee at this time that offer or request information on your )The circulation on this site is not satisfactory. The petitions of B. W. Pierce, Jr. and A. F. Surguy, et ux involve Development The parking arrangement is not satisfactory.

Parking calculations must be shown on the plan. lots which are predominately or entirely clear of trees. With regard to petition. If similar comments from the remaining members are the B. W. Pierce, Jr. petition, it has been determined that a combination received, I will forward them to you. Otherwise, any comment that is )This property contains soils which are defined as wetlands, and of six large deciduous or 12 conifers or 24 small deciduous trees be planted not informative will be placed in the hearing file. This petition was development on these soils is prohibited. ( )Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development based on an area of 3,600 square feet suitable for tree planting. accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly. Regulations.
( )Development of this site may constitute a potential conflict with In regard to the A. F. Surguy petition, it is recommended, based on area suitable for tree planting of 600 square feet, that one major deciduous or two conifers or four minor deciduous trees be planted on each lot. the Baltimore County Master Plan.

( )The amended Development Plan was approved by the Planning Board Very truly yours, )Landscaping: Must comply with Baltimore County Landscape Manual. The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service In regard to the H. Horney, B. W. Pierce, Jr., et ux and Surguy, et ux, petitions, it is recommended that <u>infiltration</u> of runoff from the lots!

Impervious surfaces be maximized by directing such runoff over the largest The property is located in a training area controlled by a "D" level intersection as defined by Sill 179-19, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council. permeable area possible toward a suitable offsite location. This is greatly Zoning Plans Advisory Committee preferred as compared to outletting runoff directly onto walks, driveways JED:nr THIS SITE IS LOCATED THE CHESAPEAKE BAY
CRITICAL DREA ADDITIONAL COMMENTS WILL BE
PROVIDED BY THE COMPLETENSIVE PLANNING DIVISION. NEG/PJS/sf/ **Enclosures** cc: Mr. Tom Vidmar, Bureau of Engineering cc: Engineering Construction Corp. People's Counsel 1703 East Joppa Road Ms. Jean M. H. Jung Raltimore, Maryland 21234 Mr. J. Hosuell Eugene A. Bober Chier, Current Planning and Development CC: James Hoswell Ms. Andrea J. Van Arsdale

278-LOCATION: South Side of Seneca Park Road, Southeast Corner of Seneca Park Road and Beach Road (18 Seneca Park Road) DATE AND TERMONDAY, February 24, 1986, at 9:45 a.m. PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland The Zoning Commissioner of Balti-more County, by authority of the Zon-ing Act and Regulations of Baltimore County, will hold a public hearing: Petition for Zoning Variance to per-mit a setback of 14 feet from the bulkhead in lieu of the required 50 feet and to amend Case No. 4241-X to permi he proposed expansion.

Being the property of Raymond M filed with the Zoning Office.

In the every less this Petition(s) is granted, a miding permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of self period. during this period for good cause shown. Such request must be received in writing by the date of the hearing ser above or made at the hearing. By Order Of ARNOLD JABLON,

CERTIFICATE OF PUBLICATION

BY: C. E. Burnham, Chief

Mark Elmin

TOWSON, MD., February 6 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 6 86

THE JEFFERSONIAN,

December 23, 1985

Cost of Advertising 24.75

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

Comments on Item # 193 Zoning Advisory Committee Meeting are as follows:

Raymond M. Porter, et ux (CRITICAL AREA)

B) A building and other miscellaneous permits shall be required before the start of any construction.

S/S Seneca Park Road, 131' SE of Beach Road

All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 - 1980) and other applicable Codes and Standards.

C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.

Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

E. All Use Groups except R-h Single Pamily Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0 to an interior lot line. R-h Use Groups require a one hour wall if closer than 3'-0 to an interior lot line. Any wall built on an interior lot line shall require a fire or party exterior wall. See Table 401, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an

F. The structure does not appear to comply with Table 505 for permissable height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.

G. The requested variance appears to conflict with Section(s) \_\_\_\_\_\_\_, of the Baltimore

H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use to Use . See Section 312 of the Building Code.

The proposed project appears to be located in a Flood Flain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111

SPECIAL NOTE: Comments: Floor elevations of proposed structures are not indicated. If public sewerage is not available review Section 516.0 of Bill #17-85 for

494-3610

Mr. Arnold Jablon, Zoning Commissioner Office of Planning and Zoning

15th.

APPLICABLE ITEMS ARE CIRCLED:

TED ZALESKI, JR.

District:

THE JEFFERSONIAN. 18 Venetonli Publisher Cost of Advertising Zoning Commissioner of Baltimore County

**Qe Times** 

This is to Certify, That the annexed Getition - Porter Reg. L 87496 was inserted in Oge Times, a newspaper printed and published in Baltimore County, once in each weeks before the \_\_\_\_\_\_day of yw Mm Publisher.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 84-315-A

District 15 Th Posted for:	Varia:	Date of Posting 1/11/8/
Petitioner:	Reymond M.	Portnetux
Location of property:	3/s Somora Ka	Tele PR Rd
****	915 54	THE PR Rd
Location of Signs		
Remarks: Post	Pord sticky	placed over hearing do to
osted by	Meltealy	Date of return: 9/14/86

SPECIAL NOTE FOR CONSTRUCTION IN TIDAL RIVERINE AREAS BILL #17-85 BALTIMORE COUNTY BUILDING CODE 1984 EFFECTIVE - APRIL 22, 1985

SECTION 516.0 A Section added to read as follows: CONSTRUCTION IN AREAS SUBJECT TO FLOODING 516.1 AREAS SUBJECT TO INUMEDIATION BY TIDEWATERS:

1. Whenever building or additions are constructed in areas subject to inundation by tidewaters, the building's lowest floor (including basement) shall be not lower than one (1) foot above the 100-year flood elevation, as established by the U.S. Army Corps of Engineers or the Federal Flood Insurance Study, whichever is more restrictive. These buildings or additions shall be designed and adequately analysis of the structure with anchered to prevent flotation, collapse, or lateral movement of the structure with materials resistant to flood damage.

Areas beneath buildings will not be considered as basements if headroom to underside of floor joists is less than six feet or if enclosure walls are at least

2. Crawl spaces under buildings constructed in the tidal plain, as determined by the U.S. Army Corp of Engineers or the Federal Flood Insurance Study, whichever is the more restrictive, shall be constructed so that water will pass through without resulting debris causing damage to the improvements of any property.

3. New or replacement utility systems, including but not limited to water supply, sanitary sewage, electric, gas and oil, must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

516.2 RIVERINE AREAS SUBJECT TO INUNDATION BY SURFACE WATERS WITHIN THE 100 YEAR FLOOD PLAIN.

1. No structures or additions shall be within the 100-year flood plain of any watercourse. The 100-year flood plain shall be based upon the Federal Flood Insurance Study or the Department of Public Works, whichever is the more restrictive. This determination shall include planned future development of the watershed area.

2. Reconstruction of residential dwelling units shall be governed by Sections 103.0 or 120.0 as applicable, except that rebuilding of residential dwelling units damaged in excess of 50 percent of physical value shall also be governed by the provisions of Subsection 516.1 of this Section.

3. Reconstruction of other than residential buildings or structures in the riverine areas shall be made to conform to 516.1 when damage exceeds 50 percent of

0

April 1985

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 86-315-A Towner, Maryland

District 15th	Date of Posting 1/31/86
Posted for: Varionico	
Petitioner: Raymond M. Porter	e fur
Location of property: 5/5 Sanges Pork	Port P.1
Exercision of Signa Foreign Sansie Ph. Pd., property of Politioner differe	400-
Remarks:	
Posted bySignature Signature	Date of return: 2/7/86

公司,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towner, Maryland

Posted for: Variance	Date of Posting 7/20/86
Basistan Para I M P	rter of or
Location of property: 315 of Someca & Beach Rd,	Park Rd. + SE/cor of Somoco Port Rd.
Location of Signe Facing Som	ner Pork Rd. opprose 6' Fr. Wedway,
Remarks:	
Posted by Males	Date of return: 3/31/86
fumber of Signa: /	

Case No. 86-315-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towsen, Maryland 21204

Zoning Commissioner

Petitioner Raymond M. Porter et ur Received by Petitioner's Attorney Donald B. Brand, Psquire

Chairman, Zoning Plans Advisory Committee

FE3 3 1987

mit during this period for good cause shown. Such request must be raceived in writing by the date of the hearing Zoning Commissioner

the proposed expansion.

Being the property of Raymond M.

Porter, et ux, as shown on plat pian

granted, a building permit may

period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permi

during this period for good caus shown. Such request must be received

in writing by the date of the hearing se above or made at the hearing.

Petition for Variance

15th Election District

LOCATION: South side of Seneca Park Road, Southeast Corner of Sene-ca Park Road and Beach Road (918 Se-

necs Park Road)
DATE & TIME: Monday, Larch 10

1986, at 11:00 a.m. PUBLIC HEARING: Room 106,

County Office Building, 111 West a Chesapeake Avenue, Towson,

Maryland.
The Zening Commissioner of Baltimore County, by authority of the Zening Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to per mit a setback of 14 feet from the bulk

head in ites of the required 50 feet and to amond Case No. 4241-X to permit

Being the property of Raymond M. Porter, et ux, as shown on the plat plan filed with the Zoning Office.

Ir the event that this Petition(s) is

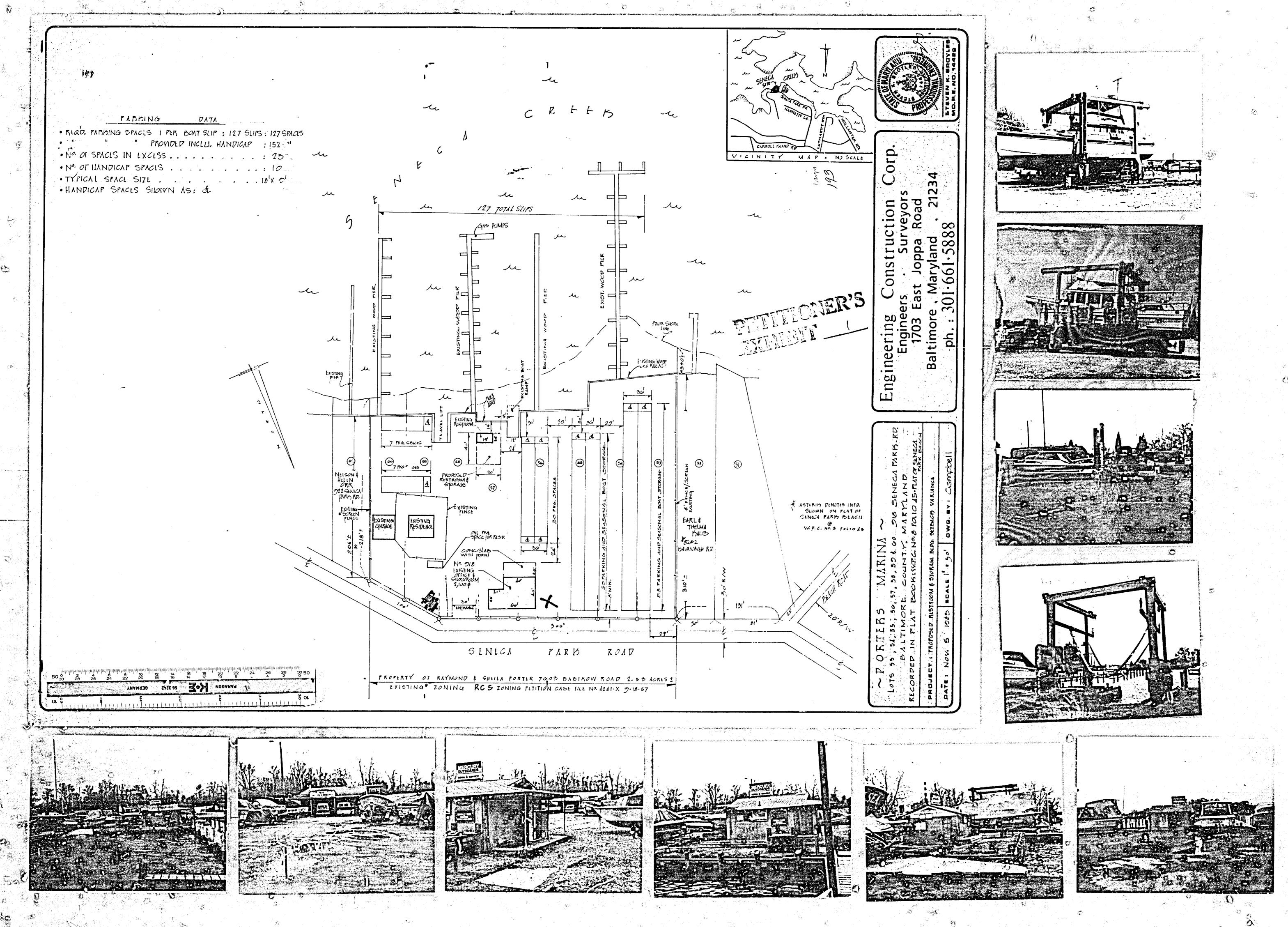
granted, a building permit may be is-aud within the thirty (30) day appeal

By Order Of ARNOLD JABLON,

Zoning Commissioner of Baltimore County

filed with the Zoning Office. In the event that this Petition(s) is

Armyld Jables



PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: Description of Lots 53-60 of Seneca Park Beach The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Begining for the same at a point on the South-East corner Variance from Section 1A04.3 B. 3. to permit a setback from the bulkhead of 14 feet of the intersection of Seneca Park Road 30' right-of-way and Beach instead of the required 50 feet and to amendCase No. 4241-X to allow the proposed Road 20' right of-way. Said point being a North-West boundry point. expansion. along Seneca Park Road 81'± West of Lot 52-51 boundry point and 25'± East along Beach Road from Lot 51-50 boundry point. Said point of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) also being a North most boundry point of Lot 51 as recorded among l) There is a practical difficulty in utilizing existing concrete floor slab, fixtures and utilities if proposed expansion is not constructed on existing Land Records of Baltimore County on Plat Book 8 Folio 45 of Seneca restroom location, which is 14 feet from bulkhead. 2) There is also a practical difficulty in constructing the proposed structure Park Beach subdivision dated April 1926. with a 50' set back, which would impede on site traffic flow to parking, boat ramp and travel lift. to a second point at the North-West corner of Lot 53 Property is to be posted and advertised as prescribed by Zoning Regulations. 1) Thence running along Seneca Park Road 30' right-of-way I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. in a Easterly direction for 300't to a third point at the North-West carner of Lot 59. I/We do solemnly declare and affirm, under the penaltics of perjury, that I/we are the legal owner(s) of the property 2) Thence running along Seneca Park Road 30' right-of-way which is the subject of this Petition. in a South-Easterly direction 100'± to a fourth point at the Contract Purchaser Legal Owner(s): North-East corner of Lot 60. Raymond M. Porter (Type or Print Name) 3) Thence running in a South-Westerly direction 206'± to (Týpe/or Print Name) a fifth point at the waters edge at the South-East corner of Lot 60 . 4) Thence running in a Westerly direction along the waters edge Sheila Porter (Type or Print Name) to a sixth point at the South-West corner of Lot 53. City and State 5) Thence running in a Nort - Easterly direction 310'± to the Attorney for Petitioner: North-West corner of Lot 53. Donald E. Brand, Esquire 7603 Babikow Rd. Said boundrys encompasing the parcel of Lots 53 through ou (301) 335-6563 Type or Print Name) inclusive as recorded in afore mentioned Land Records of Baltimore tounty on Plat Book 8 Folio 45 or Seneca Park Beach, containing 809 Eastern Boulevard Name, address and phone number of legal owner, con-2.53 acers ± . tract purchaser or representative to be contacted Essex, Maryland 21221 Raymond Porter City and State Attorney's Telephone No.: 686-8274 7603 Babikow P : Balto, Md. 21237 (301) 335-6563 Phone No. ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_21st-4th day et ux /S.Seneca eneca Park country on the 24th 10th day of February March 19 86, at 9:45 o'clock Chitical area PETITION FOR ZONING VARIANCE addition, the variance requested will not be detrimental to the public health, 15th Election District safety, and general welfare. Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested LOCATION: South Side of Seneca Park Road, Southeast Corner of Seneca variance and amendments should be granted. Park Road and Beach Road (918 Seneca Park Road) Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, DATE AND TIME: Monday, February 24, 1986, at 9:45 a.m. this \_\_\_\_\_day of March, 1986, that the Petition for Zoning Variance to PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland permit a setback of 14 feet from a bulkhead instead of the required 50 feet The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and and, additionally, the amendments to Case Nos. 4241-X and 71-219-SPH be and Regulations of Baltimore County, will hold a public hearing: are hereby GRANTED, from and after the date of this Order, subject to the fol-Petition for Zoning Variance to permit a setback of 14 feet from the bulkhead in lieu of the required 50 feet and to amend Case No. 4241-X to permit the lowing: proposed expansion. 1. The Patitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition. Being the property of Raymond M. Porter, et ux . as shown on plat plan filed with the Zoning Office. In the event that this Petition(s) is granted, a building permit may be issued ing Commissioner of within the thirty (30) day appeal period. The Zoning Commissioner will, however, Baltimore County entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the AJ/srl hearing set above or made at the hearing. cc: Donald E. Brand, Esquire BY ORDER OF People's Counsel ARNOLD JABLON ZONING COMMISSIONER

Thence running 131'± along Seneca Park Road in a Easterly direct on eries ears

IN RE: PETITION ZONING VARIANCE The Petitioners herein request a setback of 14 feet from a bulkhead instead of the required 50 feet and, additionally, to amend Case No. 4241-X, as more particularly described on Petitioners' Exhibit 1. The Petitioners appeared and testified and were represented by Counsel. Steven K. Broyles, a registered civil engineer, testified on behalf of the Petitioners. Alice Lagna, a neighbor who resides across the street, also appeared on behalf of the Petitioner. There were no Protestants. At the onset of the hearing, the Petitioners moved to amend their Petition to request that Case No. 71-219-SPH also be amended. The motion was granted. Testimony indicated that the subject property, zoned R.C.5, was granted a special exception for a boatyard or marine railway in Case No. 4241-X. Subsequent thereto, Case No. 71-219-SPH determined the specific land area granted for the special exception. In the instant case, the Petitioners propose only to replace an existing 19' x 14' structure used for restrooms and some storage, which has been there for at least 25 years and is in a detergorating condition, with a 30' x 40' structure to be used also as restrooms but with increased storage area for motors, parts, and supplies. bulk gad, the same distance as the existing structure.

0 \* BEFORE THE ZONING COMMISSIONER RE: PETITION FOR VARIANCE S/S Seneca Park Rd., SE/ Corner of Seneca Park Rd. OF BALTIMORE COUNTY and Beach Rd. (918 Seneca Park Rd.), 15th District : Case No. 86-315-A RAYMOND M. PORTER, et ux, Petitioners :::::: ENTRY OF APPEARANCE Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. People's Counsel for Baltimore County Peter Max Zimmerman

Room 223, Court House Towson, MD 21204 494-2188 I HEREBY CERTIFY that on this 31st day of January, 1986, a copy of the foregoing Entry of Appearance was mailed to Donald E. Brand, Esquire,

809 Eastern Blvd., Essex, MD 21221, Attorney for Petitioner.

Deputy People's Counsel

/ uner man Peter Max Zimmerman

( may

The proposed structure cannot be located further back due to the maneuvering room, about 60 feet in circumference, necessary for boat lifts and fork lifts. Further, since the existing structure has been at this location for such a long time, it would be impractical to force the proposed structure to be relocated closer to the roadside at this time..

The Petitioners seek relief from Section 1A04.3.B.3, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 268 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- 1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief;
- 3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. or Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use, as proposed would not be contrary to the spirit of the BCZR and would not

result in substantial detriment to the public good. After due consideration of the testimony and evidence presented, it is lear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement from which the Petitioners seek relief would unduly restrict the use of the and due to the special conditions unique to this particular parcel. In

- 2 -

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING TOWSON, MARYLAND 21204

> ARNOLD JABLON ZONING COMMISSIONER

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 86-315-A

S/S of Seneca Park Road,

SE/corner of Seneca Park and

Beach Roads (918 Seneca Park Road) - 15th Election District \*

Petitioners \*

\* \* \* \* \* \* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Raymond M. Porter, et ux,

JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER

February 18, 1986

Donald E. Brand, Esquire 809 Eastern Boulevard Essex, Maryland 21221

> Re: Petition for Zozing Variance S/S Seneca Park Rd., SE/cor. of Seneca Park Rd. and Beach Rd. (918 Seneca Park Rd.) 15th Election District Raymond M. Porter, et ux - Petitioners Case No. 86-315-A

Dear Mr. Brandt

This is to advise you that \_\_\_\_\_\_\_is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the self.

more County, Maryland, and remit ilding, Towson, Maryland

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

0 Donald E. Brand, Esquire January 24, 1986 Donald E. Brand, Esquire February 7, 1986 809 Eastern Boulevard 809 Eastern Boulevard Romadka, Gontrum, Honnegan & Essex, Maryland 21221 Essex, Maryland 21221 GERMANIA FEDERAL BUTT.DING 900 EASTERN BOULEVALD ESSEX, MARYLAND 21221 NOTICE OF HEARING TELEPHONE (SC1) 686-8274 NOTICE OF HEARING RE: PETITION FOR ZONING VARIANCE S/S Seneca Park Rd., SE/cor. of Seneca ROBERT J. ROMADKA OF COUNSEL RE: PETITION FOR ZONING VARIANCE Park Rd. and Beach Rd. (918 Seneca Park Rd.) JOHN B. GONTRUM ALFRED M. WALPERT S/S Seneca Park Rd., SE/cor. of Seneca JOHN O. HENNEGAN 15th Election District Park Rd. and Beach Rd. (918 Seneca Park Rd.) CHARLES E. FOOS, DI Raymond M. Porter, et ux - Petitioners 15th Election District Case No. 86-315-A DONALD B. BRAND Raymond M. Porter, et ux - Petitioners Case No. 86-315-A January 30, 1986 Monday, February 24, 1986 Monday, March 10, 1986 PLACE: Room 106, County Office Building, 111 West Chesapeake Office of Planning and Zoning Room 106 PLACE: Room 106, County Office Building, 111 West Chesapeake County Office Building Avenue, Towson, Maryland 111 West Chesapeake Avenue Avenue, Towson, Maryland\_ Towson, Maryland 21204 86-315-A 15th Election District Re: Petition for Zoning Variance Raymond M. Porter, et ux - Petitioners Location: S/S of Seneca Park Rd., SE/cor. of Seneca Case No. 86-315-A Park Rd. and Beach Rd. (918 Seneca Park Rd.) Hearing Date: Monday, February 24, 1986 Dear Sir: Hearing: Monday, February 24, 1986, 71 9:45 a.m. Petition for Zoning Variance to permit a setback of Please be advised that I represent Raymond and Sheila Porter 14' from the bulkhead in lieu of the required 50' in connection with the above referenced hearing. Please note that I am involved in a civil case, Schreyer vs. Schreyer, Case No. 5/111/84 and to amend Case No. 4241-X to permit the proposed CSP-1711 where the court has appointed me as attorney for the minor expansion child of the parties. This hearing is scheduled for February 24, 1986. Therefore, I would appreciate if you would reschedule the above matter Petitioners: Raymond M. Porter, et ux and advise me of the new date. Thank you. of Baltimore County No. of Signs: 1 Very truly Pours, BALTIMORE COUNTY, MARYLAND AJ:med OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT Donald E. Brand 11 11.55 ... 2-5 1-615 cm WILL KOT BE BURIC. 1171 affence All Control of the Control BALTIMORE COUNTY, MARPLAND BOTIMORE COUNTY, MARQAND INTER-COFFICE CORRESPONDENCE INTER-OFFICE CORRESPONDENCE BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON MARYLAND 21204 Arnold Jablon Arnold Jablon TO Zoning Commissioner TO Zoning Commissioner February 13, 1986 Date February 10, 1986 Norman E. Gerber, AICP, Director January 29, 1986 Norman E. Gerber, ALCP, Director FROM Office of Planning and Zoning FROM Office of Planning and Zoning COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Haryland 21204 Chesapeake Critical Area Review - Raymond Porter, et ux (86-307-A); SUBJECT The Owl Corp. (86-307-A); B.A. Pierce, Jr., et ux (86-304-A); A.F. Surguy, et ux (86-324-A); and H. Horney (86-314-A) SUBJECT Zoning Petitions No. 86-307-A and 86~315-A Donald E. Brand, Esquire 809 Eastern Boulevard JANUARY 28, 1986 Mr. Arnold Jablon Raltimore, Maryland 21221 Zoning Commissioner County Office Building Towson, Maryland 21204 Chairman (CRITICAL AREA) In regard to the Porter, at ux and the Owl Corp., it has been determined RE: Item No. 193 - Case No. 86-315-A that these two petitions are consistent with the requirements of Critical Petitioners - Raymond M. Porter, et ux MEMBERS Area statute without the need of mitigative or other management practices. Re: Zoning Advisory Meeting of DECEMBER 3, 1985

Item + 193

Property Owner: RAYMOND M. PORTER, RTUX

Location: S/S SENECA PARK RD. 13115E There are no comprehensive planning factors requiring comment Variance Petition Bureau of Engineering The H. Horney petition involves a wooded site with a number of specimen trees. This petition will be deemed to meet the requirements of the Critical Department of Dear Mr. Brand: Dear Mr. Jablon: OF BEACH ROAD Area statute, if as many trees as possible are conserved, this would require The Zoning Plans Advisory Committee has reviewed the plans The Division of Current Planning and Development has reviewed the subject a simple plan showing the existing trees and indicating which ones are to State Roads Commission petition and offers the following comments. The items checked below are submitted with the above-referenced petition. The following comments be retained. In addition, a plan to protect the trees during construction Bureau of are not intended to indicate the appropriateness of the zoning action is necessary. As a minimum, each lot should contain four major deciduous Fire Prevention requested, but to assure that all parties are made aware of plans or (X)There are no site planning factors requiring comment.
(A County Teview Group Meeting is required.
(A County Review Group meeting was held and the minutes will be trees or eight conifers or 16 minor deciduous trees. Existing trees that Health Department problems with regard to the development plans that may have a bearing are retained on-site can be utilized toward meeting this requirement. This NEG:JGH:slm Project Planning on this case. The Director of Planning may file a written report with tree allocation is based on 2,400 feet of area suitable for tree planting. forward by the Sureau of Public Services.

This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract. Building Department the Zoning Commissioner with recommendations as to the suitability of At the petitioner's discretion, any mix or combination of plantings would be appropriate based on the formula of one major deciduous or two conifers the requested zoning. Board of Education )A record plat will be required and must be recorded prior or four minor deciduous trees for every 600 square feet of area. Zoning Administration to issuance of a building permit. Enclosed are all comments submitted from the members of the )The access is not satisfactory. Industrial Committee at this time that offer or request information on your )The circulation on this site is not satisfactory. The petitions of B. W. Pierce, Jr. and A. F. Surguy, et ux involve Development The parking arrangement is not satisfactory.

Parking calculations must be shown on the plan. lots which are predominately or entirely clear of trees. With regard to petition. If similar comments from the remaining members are the B. W. Pierce, Jr. petition, it has been determined that a combination received, I will forward them to you. Otherwise, any comment that is )This property contains soils which are defined as wetlands, and of six large deciduous or 12 conifers or 24 small deciduous trees be planted not informative will be placed in the hearing file. This petition was development on these soils is prohibited. ( )Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development based on an area of 3,600 square feet suitable for tree planting. accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly. Regulations.
( )Development of this site may constitute a potential conflict with In regard to the A. F. Surguy petition, it is recommended, based on area suitable for tree planting of 600 square feet, that one major deciduous or two conifers or four minor deciduous trees be planted on each lot. the Baltimore County Master Plan.

( )The amended Development Plan was approved by the Planning Board Very truly yours, )Landscaping: Must comply with Baltimore County Landscape Manual. The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service In regard to the H. Horney, B. W. Pierce, Jr., et ux and Surguy, et ux, petitions, it is recommended that <u>infiltration</u> of runoff from the lots!

Impervious surfaces be maximized by directing such runoff over the largest The property is located in a training area controlled by a "D" level intersection as defined by Sill 179-19, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council. permeable area possible toward a suitable offsite location. This is greatly Zoning Plans Advisory Committee preferred as compared to outletting runoff directly onto walks, driveways JED:nr THIS SITE IS LOCATED THE CHESAPEAKE BAY
CRITICAL DREA ADDITIONAL COMMENTS WILL BE
PROVIDED BY THE COMPLETENSIVE PLANNING DIVISION. NEG/PJS/sf/ **Enclosures** cc: Mr. Tom Vidmar, Bureau of Engineering cc: Engineering Construction Corp. People's Counsel 1703 East Joppa Road Ms. Jean M. H. Jung Raltimore, Maryland 21234 Mr. J. Hosuell Eugene A. Bober Chier, Current Planning and Development CC: James Hoswell Ms. Andrea J. Van Arsdale

278-LOCATION: South Side of Seneca Park Road, Southeast Corner of Seneca Park Road and Beach Road (18 Seneca Park Road) DATE AND TERMONDAY, February 24, 1986, at 9:45 a.m. PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland The Zoning Commissioner of Balti-more County, by authority of the Zon-ing Act and Regulations of Baltimore County, will hold a public hearing: Petition for Zoning Variance to per-mit a setback of 14 feet from the bulkhead in lieu of the required 50 feet and to amend Case No. 4241-X to permi he proposed expansion.

Being the property of Raymond M filed with the Zoning Office.

In the every less this Petition(s) is granted, a miding permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of self period. during this period for good cause shown. Such request must be received in writing by the date of the hearing ser above or made at the hearing. By Order Of ARNOLD JABLON,

CERTIFICATE OF PUBLICATION

BY: C. E. Burnham, Chief

Mark Elmin

TOWSON, MD., February 6 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 6 86

THE JEFFERSONIAN,

December 23, 1985

Cost of Advertising 24.75

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

Comments on Item # 193 Zoning Advisory Committee Meeting are as follows:

Raymond M. Porter, et ux (CRITICAL AREA)

B) A building and other miscellaneous permits shall be required before the start of any construction.

S/S Seneca Park Road, 131' SE of Beach Road

All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 - 1980) and other applicable Codes and Standards.

C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.

Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

E. All Use Groups except R-h Single Pamily Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0 to an interior lot line. R-h Use Groups require a one hour wall if closer than 3'-0 to an interior lot line. Any wall built on an interior lot line shall require a fire or party exterior wall. See Table 401, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an

F. The structure does not appear to comply with Table 505 for permissable height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.

G. The requested variance appears to conflict with Section(s) \_\_\_\_\_\_\_, of the Baltimore

H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use to Use . See Section 312 of the Building Code.

The proposed project appears to be located in a Flood Flain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111

SPECIAL NOTE: Comments: Floor elevations of proposed structures are not indicated. If public sewerage is not available review Section 516.0 of Bill #17-85 for

494-3610

Mr. Arnold Jablon, Zoning Commissioner Office of Planning and Zoning

15th.

APPLICABLE ITEMS ARE CIRCLED:

TED ZALESKI, JR.

District:

THE JEFFERSONIAN. 18 Venetonli Publisher Cost of Advertising Zoning Commissioner of Baltimore County

**Qe Times** 

This is to Certify, That the annexed Getition - Porter Reg. L 87496 was inserted in Oge Times, a newspaper printed and published in Baltimore County, once in each weeks before the \_\_\_\_\_\_day of yw Mm Publisher.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 84-315-A

District 15 Th Posted for:	Varia:	Date of Posting 1/11/8/
Petitioner:	Reymond M.	Portnetux
Location of property:	3/s Somora Ka	Tele PR Rd
****	915 54	THE PR Rd
Location of Signs		
Remarks: Post	Pord sticky	placed over hearing do to
osted by	Meltealy	Date of return: 9/14/86

SPECIAL NOTE FOR CONSTRUCTION IN TIDAL RIVERINE AREAS BILL #17-85 BALTIMORE COUNTY BUILDING CODE 1984 EFFECTIVE - APRIL 22, 1985

SECTION 516.0 A Section added to read as follows: CONSTRUCTION IN AREAS SUBJECT TO FLOODING 516.1 AREAS SUBJECT TO INUMEDIATION BY TIDEWATERS:

1. Whenever building or additions are constructed in areas subject to inundation by tidewaters, the building's lowest floor (including basement) shall be not lower than one (1) foot above the 100-year flood elevation, as established by the U.S. Army Corps of Engineers or the Federal Flood Insurance Study, whichever is more restrictive. These buildings or additions shall be designed and adequately analysis of the structure with anchered to prevent flotation, collapse, or lateral movement of the structure with materials resistant to flood damage.

Areas beneath buildings will not be considered as basements if headroom to underside of floor joists is less than six feet or if enclosure walls are at least

2. Crawl spaces under buildings constructed in the tidal plain, as determined by the U.S. Army Corp of Engineers or the Federal Flood Insurance Study, whichever is the more restrictive, shall be constructed so that water will pass through without resulting debris causing damage to the improvements of any property.

3. New or replacement utility systems, including but not limited to water supply, sanitary sewage, electric, gas and oil, must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

516.2 RIVERINE AREAS SUBJECT TO INUNDATION BY SURFACE WATERS WITHIN THE 100 YEAR FLOOD PLAIN.

1. No structures or additions shall be within the 100-year flood plain of any watercourse. The 100-year flood plain shall be based upon the Federal Flood Insurance Study or the Department of Public Works, whichever is the more restrictive. This determination shall include planned future development of the watershed area.

2. Reconstruction of residential dwelling units shall be governed by Sections 103.0 or 120.0 as applicable, except that rebuilding of residential dwelling units damaged in excess of 50 percent of physical value shall also be governed by the provisions of Subsection 516.1 of this Section.

3. Reconstruction of other than residential buildings or structures in the riverine areas shall be made to conform to 516.1 when damage exceeds 50 percent of

0

April 1985

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 86-315-A Towner, Maryland

District 15th	Date of Posting 1/31/86
Posted for: Varionico	
Petitioner: Raymond M. Porter	e fur
Location of property: 5/5 Sanges Pork	Port P.1
Exercision of Signa Foreign Sansie Ph. Pd., property of Politioner differe	400-
Remarks:	
Posted bySignature Signature	Date of return: 2/7/86

公司,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towner, Maryland

Posted for: Variance	Date of Posting 7/20/86
Basistan Para I M P	rter of or
Location of property: 315 of Someca & Beach Rd,	Park Rd. + SE/cor of Somoco Port Rd.
Location of Signe Facing Som	ner Pork Rd. opprose 6' Fr. Wedway,
Remarks:	
Posted by Males	Date of return: 3/31/86
fumber of Signa: /	

Case No. 86-315-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towsen, Maryland 21204

Zoning Commissioner

Petitioner Raymond M. Porter et ur Received by Petitioner's Attorney Donald B. Brand, Psquire

Chairman, Zoning Plans Advisory Committee

FE3 3 1987

mit during this period for good cause shown. Such request must be raceived in writing by the date of the hearing Zoning Commissioner

the proposed expansion.

Being the property of Raymond M.

Porter, et ux, as shown on plat pian

granted, a building permit may

period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permi

during this period for good caus shown. Such request must be received

in writing by the date of the hearing se above or made at the hearing.

Petition for Variance

15th Election District

LOCATION: South side of Seneca Park Road, Southeast Corner of Sene-ca Park Road and Beach Road (918 Se-

necs Park Road)
DATE & TIME: Monday, Larch 10

1986, at 11:00 a.m. PUBLIC HEARING: Room 106,

County Office Building, 111 West a Chesapeake Avenue, Towson,

Maryland.
The Zening Commissioner of Baltimore County, by authority of the Zening Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to per mit a setback of 14 feet from the bulk

head in ites of the required 50 feet and to amond Case No. 4241-X to permit

Being the property of Raymond M. Porter, et ux, as shown on the plat plan filed with the Zoning Office.

Ir the event that this Petition(s) is

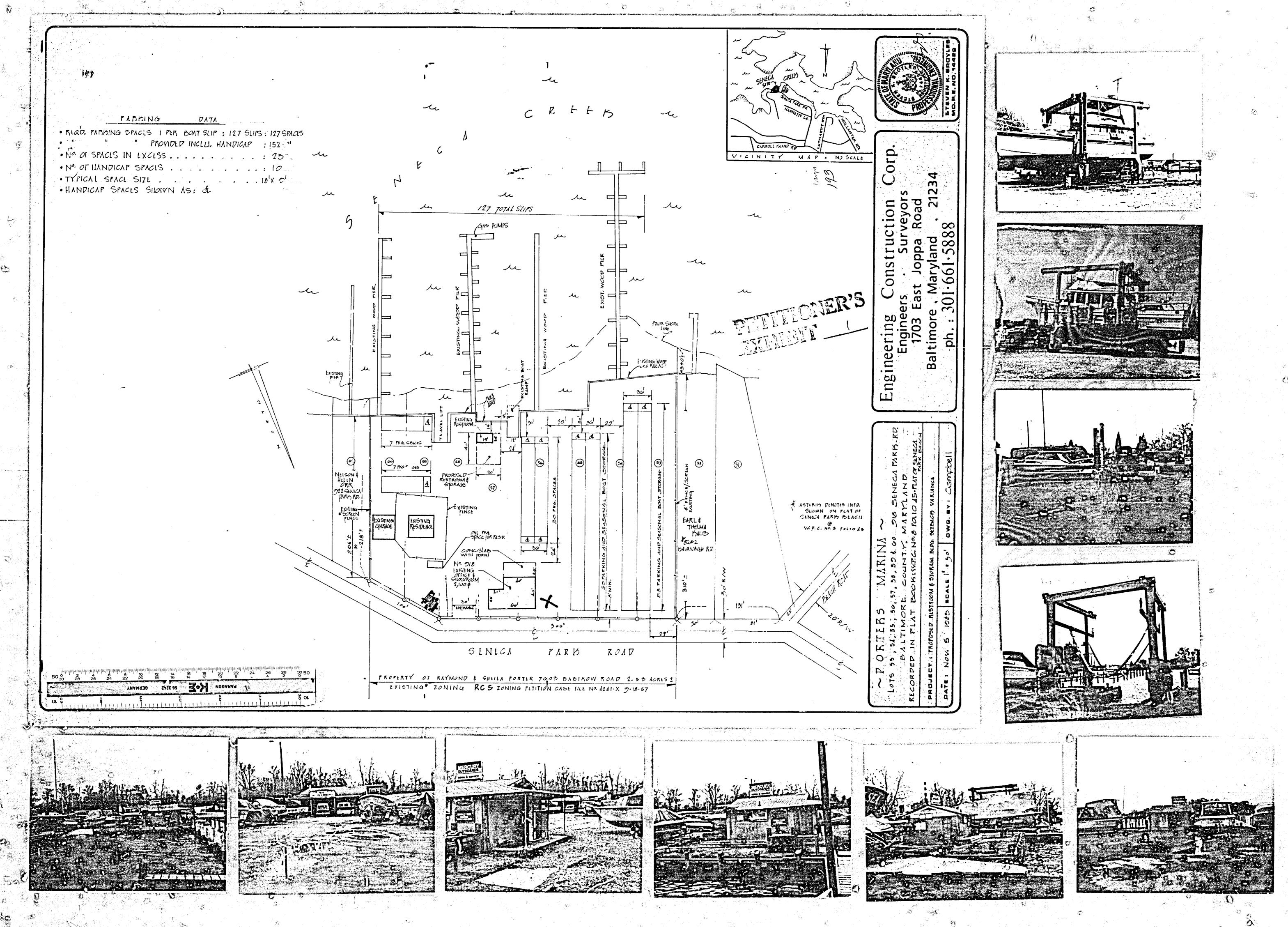
granted, a building permit may be is-aud within the thirty (30) day appeal

By Order Of ARNOLD JABLON,

Zoning Commissioner of Baltimore County

filed with the Zoning Office. In the event that this Petition(s) is

Armyld Jables



PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: Description of Lots 53-60 of Seneca Park Beach The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Begining for the same at a point on the South-East corner Variance from Section 1A04.3 B. 3. to permit a setback from the bulkhead of 14 feet of the intersection of Seneca Park Road 30' right-of-way and Beach instead of the required 50 feet and to amendCase No. 4241-X to allow the proposed Road 20' right of-way. Said point being a North-West boundry point. expansion. along Seneca Park Road 81'± West of Lot 52-51 boundry point and 25'± East along Beach Road from Lot 51-50 boundry point. Said point of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) also being a North most boundry point of Lot 51 as recorded among l) There is a practical difficulty in utilizing existing concrete floor slab, fixtures and utilities if proposed expansion is not constructed on existing Land Records of Baltimore County on Plat Book 8 Folio 45 of Seneca restroom location, which is 14 feet from bulkhead. 2) There is also a practical difficulty in constructing the proposed structure Park Beach subdivision dated April 1926. with a 50' set back, which would impede on site traffic flow to parking, boat ramp and travel lift. to a second point at the North-West corner of Lot 53 Property is to be posted and advertised as prescribed by Zoning Regulations. 1) Thence running along Seneca Park Road 30' right-of-way I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. in a Easterly direction for 300't to a third point at the North-West carner of Lot 59. I/We do solemnly declare and affirm, under the penaltics of perjury, that I/we are the legal owner(s) of the property 2) Thence running along Seneca Park Road 30' right-of-way which is the subject of this Petition. in a South-Easterly direction 100'± to a fourth point at the Contract Purchaser Legal Owner(s): North-East corner of Lot 60. Raymond M. Porter (Type or Print Name) 3) Thence running in a South-Westerly direction 206'± to (Týpe/or Print Name) a fifth point at the waters edge at the South-East corner of Lot 60 . 4) Thence running in a Westerly direction along the waters edge Sheila Porter (Type or Print Name) to a sixth point at the South-West corner of Lot 53. City and State 5) Thence running in a Nort - Easterly direction 310'± to the Attorney for Petitioner: North-West corner of Lot 53. Donald E. Brand, Esquire 7603 Babikow Rd. Said boundrys encompasing the parcel of Lots 53 through ou (301) 335-6563 Type or Print Name) inclusive as recorded in afore mentioned Land Records of Baltimore tounty on Plat Book 8 Folio 45 or Seneca Park Beach, containing 809 Eastern Boulevard Name, address and phone number of legal owner, con-2.53 acers ± . tract purchaser or representative to be contacted Essex, Maryland 21221 Raymond Porter City and State Attorney's Telephone No.: 686-8274 7603 Babikow P : Balto, Md. 21237 (301) 335-6563 Phone No. ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_21st-4th day et ux /S.Seneca eneca Park country on the 24th 10th day of February March 19 86, at 9:45 o'clock Chitical area PETITION FOR ZONING VARIANCE addition, the variance requested will not be detrimental to the public health, 15th Election District safety, and general welfare. Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested LOCATION: South Side of Seneca Park Road, Southeast Corner of Seneca variance and amendments should be granted. Park Road and Beach Road (918 Seneca Park Road) Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, DATE AND TIME: Monday, February 24, 1986, at 9:45 a.m. this \_\_\_\_\_day of March, 1986, that the Petition for Zoning Variance to PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland permit a setback of 14 feet from a bulkhead instead of the required 50 feet The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and and, additionally, the amendments to Case Nos. 4241-X and 71-219-SPH be and Regulations of Baltimore County, will hold a public hearing: are hereby GRANTED, from and after the date of this Order, subject to the fol-Petition for Zoning Variance to permit a setback of 14 feet from the bulkhead in lieu of the required 50 feet and to amend Case No. 4241-X to permit the lowing: proposed expansion. 1. The Patitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition. Being the property of Raymond M. Porter, et ux . as shown on plat plan filed with the Zoning Office. In the event that this Petition(s) is granted, a building permit may be issued ing Commissioner of within the thirty (30) day appeal period. The Zoning Commissioner will, however, Baltimore County entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the AJ/srl hearing set above or made at the hearing. cc: Donald E. Brand, Esquire BY ORDER OF People's Counsel ARNOLD JABLON ZONING COMMISSIONER

Thence running 131'± along Seneca Park Road in a Easterly direct on eries ears

IN RE: PETITION ZONING VARIANCE The Petitioners herein request a setback of 14 feet from a bulkhead instead of the required 50 feet and, additionally, to amend Case No. 4241-X, as more particularly described on Petitioners' Exhibit 1. The Petitioners appeared and testified and were represented by Counsel. Steven K. Broyles, a registered civil engineer, testified on behalf of the Petitioners. Alice Lagna, a neighbor who resides across the street, also appeared on behalf of the Petitioner. There were no Protestants. At the onset of the hearing, the Petitioners moved to amend their Petition to request that Case No. 71-219-SPH also be amended. The motion was granted. Testimony indicated that the subject property, zoned R.C.5, was granted a special exception for a boatyard or marine railway in Case No. 4241-X. Subsequent thereto, Case No. 71-219-SPH determined the specific land area granted for the special exception. In the instant case, the Petitioners propose only to replace an existing 19' x 14' structure used for restrooms and some storage, which has been there for at least 25 years and is in a detergorating condition, with a 30' x 40' structure to be used also as restrooms but with increased storage area for motors, parts, and supplies. bulk gad, the same distance as the existing structure.

0 \* BEFORE THE ZONING COMMISSIONER RE: PETITION FOR VARIANCE S/S Seneca Park Rd., SE/ Corner of Seneca Park Rd. OF BALTIMORE COUNTY and Beach Rd. (918 Seneca Park Rd.), 15th District : Case No. 86-315-A RAYMOND M. PORTER, et ux, Petitioners :::::: ENTRY OF APPEARANCE Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. People's Counsel for Baltimore County Peter Max Zimmerman

Room 223, Court House Towson, MD 21204 494-2188 I HEREBY CERTIFY that on this 31st day of January, 1986, a copy of the foregoing Entry of Appearance was mailed to Donald E. Brand, Esquire,

809 Eastern Blvd., Essex, MD 21221, Attorney for Petitioner.

Deputy People's Counsel

/ uner man Peter Max Zimmerman

( may

The proposed structure cannot be located further back due to the maneuvering room, about 60 feet in circumference, necessary for boat lifts and fork lifts. Further, since the existing structure has been at this location for such a long time, it would be impractical to force the proposed structure to be relocated closer to the roadside at this time..

The Petitioners seek relief from Section 1A04.3.B.3, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 268 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- 1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief;
- 3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. or Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use, as proposed would not be contrary to the spirit of the BCZR and would not

result in substantial detriment to the public good. After due consideration of the testimony and evidence presented, it is lear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement from which the Petitioners seek relief would unduly restrict the use of the and due to the special conditions unique to this particular parcel. In

- 2 -

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING TOWSON, MARYLAND 21204

> ARNOLD JABLON ZONING COMMISSIONER

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 86-315-A

S/S of Seneca Park Road,

SE/corner of Seneca Park and

Beach Roads (918 Seneca Park Road) - 15th Election District \*

Petitioners \*

\* \* \* \* \* \* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Raymond M. Porter, et ux,

JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER

February 18, 1986

Donald E. Brand, Esquire 809 Eastern Boulevard Essex, Maryland 21221

> Re: Petition for Zozing Variance S/S Seneca Park Rd., SE/cor. of Seneca Park Rd. and Beach Rd. (918 Seneca Park Rd.) 15th Election District Raymond M. Porter, et ux - Petitioners Case No. 86-315-A

Dear Mr. Brandt

This is to advise you that \_\_\_\_\_\_\_is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the self.

more County, Maryland, and remit ilding, Towson, Maryland

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

0 Donald E. Brand, Esquire January 24, 1986 Donald E. Brand, Esquire February 7, 1986 809 Eastern Boulevard 809 Eastern Boulevard Romadka, Gontrum, Honnegan & Essex, Maryland 21221 Essex, Maryland 21221 GERMANIA FEDERAL BUTT.DING 900 EASTERN BOULEVALD ESSEX, MARYLAND 21221 NOTICE OF HEARING TELEPHONE (SC1) 686-8274 NOTICE OF HEARING RE: PETITION FOR ZONING VARIANCE S/S Seneca Park Rd., SE/cor. of Seneca ROBERT J. ROMADKA OF COUNSEL RE: PETITION FOR ZONING VARIANCE Park Rd. and Beach Rd. (918 Seneca Park Rd.) JOHN B. GONTRUM ALFRED M. WALPERT S/S Seneca Park Rd., SE/cor. of Seneca JOHN O. HENNEGAN 15th Election District Park Rd. and Beach Rd. (918 Seneca Park Rd.) CHARLES E. FOOS, DI Raymond M. Porter, et ux - Petitioners 15th Election District Case No. 86-315-A DONALD B. BRAND Raymond M. Porter, et ux - Petitioners Case No. 86-315-A January 30, 1986 Monday, February 24, 1986 Monday, March 10, 1986 PLACE: Room 106, County Office Building, 111 West Chesapeake Office of Planning and Zoning Room 106 PLACE: Room 106, County Office Building, 111 West Chesapeake County Office Building Avenue, Towson, Maryland 111 West Chesapeake Avenue Avenue, Towson, Maryland\_ Towson, Maryland 21204 86-315-A 15th Election District Re: Petition for Zoning Variance Raymond M. Porter, et ux - Petitioners Location: S/S of Seneca Park Rd., SE/cor. of Seneca Case No. 86-315-A Park Rd. and Beach Rd. (918 Seneca Park Rd.) Hearing Date: Monday, February 24, 1986 Dear Sir: Hearing: Monday, February 24, 1986, 71 9:45 a.m. Petition for Zoning Variance to permit a setback of Please be advised that I represent Raymond and Sheila Porter 14' from the bulkhead in lieu of the required 50' in connection with the above referenced hearing. Please note that I am involved in a civil case, Schreyer vs. Schreyer, Case No. 5/111/84 and to amend Case No. 4241-X to permit the proposed CSP-1711 where the court has appointed me as attorney for the minor expansion child of the parties. This hearing is scheduled for February 24, 1986. Therefore, I would appreciate if you would reschedule the above matter Petitioners: Raymond M. Porter, et ux and advise me of the new date. Thank you. of Baltimore County No. of Signs: 1 Very truly Pours, BALTIMORE COUNTY, MARYLAND AJ:med OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT Donald E. Brand 11 11.55 ... 2-5 1-615 cm WILL KOT BE BURIC. 1171 affence All Control of the Control BALTIMORE COUNTY, MARPLAND BOTIMORE COUNTY, MARQAND INTER-COFFICE CORRESPONDENCE INTER-OFFICE CORRESPONDENCE BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON MARYLAND 21204 Arnold Jablon Arnold Jablon TO Zoning Commissioner TO Zoning Commissioner February 13, 1986 Date February 10, 1986 Norman E. Gerber, AICP, Director January 29, 1986 Norman E. Gerber, ALCP, Director FROM Office of Planning and Zoning FROM Office of Planning and Zoning COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Haryland 21204 Chesapeake Critical Area Review - Raymond Porter, et ux (86-307-A); SUBJECT The Owl Corp. (86-307-A); B.A. Pierce, Jr., et ux (86-304-A); A.F. Surguy, et ux (86-324-A); and H. Horney (86-314-A) SUBJECT Zoning Petitions No. 86-307-A and 86~315-A Donald E. Brand, Esquire 809 Eastern Boulevard JANUARY 28, 1986 Mr. Arnold Jablon Raltimore, Maryland 21221 Zoning Commissioner County Office Building Towson, Maryland 21204 Chairman (CRITICAL AREA) In regard to the Porter, at ux and the Owl Corp., it has been determined RE: Item No. 193 - Case No. 86-315-A that these two petitions are consistent with the requirements of Critical Petitioners - Raymond M. Porter, et ux MEMBERS Area statute without the need of mitigative or other management practices. Re: Zoning Advisory Meeting of DECEMBER 3, 1985

Item + 193

Property Owner: RAYMOND M. PORTER, RTUX

Location: S/S SENECA PARK RD. 13115E There are no comprehensive planning factors requiring comment Variance Petition Bureau of Engineering The H. Horney petition involves a wooded site with a number of specimen trees. This petition will be deemed to meet the requirements of the Critical Department of Dear Mr. Brand: Dear Mr. Jablon: OF BEACH ROAD Area statute, if as many trees as possible are conserved, this would require The Zoning Plans Advisory Committee has reviewed the plans The Division of Current Planning and Development has reviewed the subject a simple plan showing the existing trees and indicating which ones are to State Roads Commission petition and offers the following comments. The items checked below are submitted with the above-referenced petition. The following comments be retained. In addition, a plan to protect the trees during construction Bureau of are not intended to indicate the appropriateness of the zoning action is necessary. As a minimum, each lot should contain four major deciduous Fire Prevention requested, but to assure that all parties are made aware of plans or (X)There are no site planning factors requiring comment.
(A County Teview Group Meeting is required.
(A County Review Group meeting was held and the minutes will be trees or eight conifers or 16 minor deciduous trees. Existing trees that Health Department problems with regard to the development plans that may have a bearing are retained on-site can be utilized toward meeting this requirement. This NEG:JGH:slm Project Planning on this case. The Director of Planning may file a written report with tree allocation is based on 2,400 feet of area suitable for tree planting. forward by the Sureau of Public Services.

This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract. Building Department the Zoning Commissioner with recommendations as to the suitability of At the petitioner's discretion, any mix or combination of plantings would be appropriate based on the formula of one major deciduous or two conifers the requested zoning. Board of Education )A record plat will be required and must be recorded prior or four minor deciduous trees for every 600 square feet of area. Zoning Administration to issuance of a building permit. Enclosed are all comments submitted from the members of the )The access is not satisfactory. Industrial Committee at this time that offer or request information on your )The circulation on this site is not satisfactory. The petitions of B. W. Pierce, Jr. and A. F. Surguy, et ux involve Development The parking arrangement is not satisfactory.

Parking calculations must be shown on the plan. lots which are predominately or entirely clear of trees. With regard to petition. If similar comments from the remaining members are the B. W. Pierce, Jr. petition, it has been determined that a combination received, I will forward them to you. Otherwise, any comment that is )This property contains soils which are defined as wetlands, and of six large deciduous or 12 conifers or 24 small deciduous trees be planted not informative will be placed in the hearing file. This petition was development on these soils is prohibited. ( )Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development based on an area of 3,600 square feet suitable for tree planting. accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly. Regulations.
( )Development of this site may constitute a potential conflict with In regard to the A. F. Surguy petition, it is recommended, based on area suitable for tree planting of 600 square feet, that one major deciduous or two conifers or four minor deciduous trees be planted on each lot. the Baltimore County Master Plan.

( )The amended Development Plan was approved by the Planning Board Very truly yours, )Landscaping: Must comply with Baltimore County Landscape Manual. The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service In regard to the H. Horney, B. W. Pierce, Jr., et ux and Surguy, et ux, petitions, it is recommended that <u>infiltration</u> of runoff from the lots!

Impervious surfaces be maximized by directing such runoff over the largest The property is located in a training area controlled by a "D" level intersection as defined by Sill 179-19, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council. permeable area possible toward a suitable offsite location. This is greatly Zoning Plans Advisory Committee preferred as compared to outletting runoff directly onto walks, driveways JED:nr THIS SITE IS LOCATED THE CHESAPEAKE BAY
CRITICAL DREA ADDITIONAL COMMENTS WILL BE
PROVIDED BY THE COMPLETENSIVE PLANNING DIVISION. NEG/PJS/sf/ **Enclosures** cc: Mr. Tom Vidmar, Bureau of Engineering cc: Engineering Construction Corp. People's Counsel 1703 East Joppa Road Ms. Jean M. H. Jung Raltimore, Maryland 21234 Mr. J. Hosuell Eugene A. Bober Chier, Current Planning and Development CC: James Hoswell Ms. Andrea J. Van Arsdale

278-LOCATION: South Side of Seneca Park Road, Southeast Corner of Seneca Park Road and Beach Road (18 Seneca Park Road) DATE AND TERMONDAY, February 24, 1986, at 9:45 a.m. PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland The Zoning Commissioner of Balti-more County, by authority of the Zon-ing Act and Regulations of Baltimore County, will hold a public hearing: Petition for Zoning Variance to per-mit a setback of 14 feet from the bulkhead in lieu of the required 50 feet and to amend Case No. 4241-X to permi he proposed expansion.

Being the property of Raymond M filed with the Zoning Office.

In the every less this Petition(s) is granted, a miding permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of self period. during this period for good cause shown. Such request must be received in writing by the date of the hearing ser above or made at the hearing. By Order Of ARNOLD JABLON,

CERTIFICATE OF PUBLICATION

BY: C. E. Burnham, Chief

Mark Elmin

TOWSON, MD., February 6 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 6 86

THE JEFFERSONIAN,

December 23, 1985

Cost of Advertising 24.75

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

Comments on Item # 193 Zoning Advisory Committee Meeting are as follows:

Raymond M. Porter, et ux (CRITICAL AREA)

B) A building and other miscellaneous permits shall be required before the start of any construction.

S/S Seneca Park Road, 131' SE of Beach Road

All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 - 1980) and other applicable Codes and Standards.

C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.

Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

E. All Use Groups except R-h Single Pamily Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0 to an interior lot line. R-h Use Groups require a one hour wall if closer than 3'-0 to an interior lot line. Any wall built on an interior lot line shall require a fire or party exterior wall. See Table 401, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an

F. The structure does not appear to comply with Table 505 for permissable height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.

G. The requested variance appears to conflict with Section(s) \_\_\_\_\_\_\_, of the Baltimore

H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use to Use . See Section 312 of the Building Code.

The proposed project appears to be located in a Flood Flain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111

SPECIAL NOTE: Comments: Floor elevations of proposed structures are not indicated. If public sewerage is not available review Section 516.0 of Bill #17-85 for

494-3610

Mr. Arnold Jablon, Zoning Commissioner Office of Planning and Zoning

15th.

APPLICABLE ITEMS ARE CIRCLED:

TED ZALESKI, JR.

District:

THE JEFFERSONIAN. 18 Venetonli Publisher Cost of Advertising Zoning Commissioner of Baltimore County

**Qe Times** 

This is to Certify, That the annexed Getition - Porter Reg. L 87496 was inserted in Oge Times, a newspaper printed and published in Baltimore County, once in each weeks before the \_\_\_\_\_\_day of yw Mm Publisher.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 84-315-A

District 15 Th Posted for:	Varia:	Date of Posting 1/11/8/
Petitioner:	Reymond M.	Portnetux
Location of property:	3/s Somora Ka	Tele PR Rd
****	915 54	THE PR Rd
Location of Signs		
Remarks: Post	Pord sticky	placed over hearing do to
osted by	Meltealy	Date of return: 9/14/86

SPECIAL NOTE FOR CONSTRUCTION IN TIDAL RIVERINE AREAS BILL #17-85 BALTIMORE COUNTY BUILDING CODE 1984 EFFECTIVE - APRIL 22, 1985

SECTION 516.0 A Section added to read as follows: CONSTRUCTION IN AREAS SUBJECT TO FLOODING 516.1 AREAS SUBJECT TO INUMEDIATION BY TIDEWATERS:

1. Whenever building or additions are constructed in areas subject to inundation by tidewaters, the building's lowest floor (including basement) shall be not lower than one (1) foot above the 100-year flood elevation, as established by the U.S. Army Corps of Engineers or the Federal Flood Insurance Study, whichever is more restrictive. These buildings or additions shall be designed and adequately analysis of the structure with anchered to prevent flotation, collapse, or lateral movement of the structure with materials resistant to flood damage.

Areas beneath buildings will not be considered as basements if headroom to underside of floor joists is less than six feet or if enclosure walls are at least

2. Crawl spaces under buildings constructed in the tidal plain, as determined by the U.S. Army Corp of Engineers or the Federal Flood Insurance Study, whichever is the more restrictive, shall be constructed so that water will pass through without resulting debris causing damage to the improvements of any property.

3. New or replacement utility systems, including but not limited to water supply, sanitary sewage, electric, gas and oil, must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

516.2 RIVERINE AREAS SUBJECT TO INUNDATION BY SURFACE WATERS WITHIN THE 100 YEAR FLOOD PLAIN.

1. No structures or additions shall be within the 100-year flood plain of any watercourse. The 100-year flood plain shall be based upon the Federal Flood Insurance Study or the Department of Public Works, whichever is the more restrictive. This determination shall include planned future development of the watershed area.

2. Reconstruction of residential dwelling units shall be governed by Sections 103.0 or 120.0 as applicable, except that rebuilding of residential dwelling units damaged in excess of 50 percent of physical value shall also be governed by the provisions of Subsection 516.1 of this Section.

3. Reconstruction of other than residential buildings or structures in the riverine areas shall be made to conform to 516.1 when damage exceeds 50 percent of

0

April 1985

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 86-315-A Towner, Maryland

District 15th	Date of Posting 1/31/86
Posted for: Varionico	
Petitioner: Raymond M. Porter	e fur
Location of property: 5/5 Sanges Pork	Port P.1
Exercision of Signa Foreign Sansie Ph. Pd., property of Politioner differe	400-
Remarks:	
Posted bySignature Signature	Date of return: 2/7/86

公司,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们就是一个人,我们

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towner, Maryland

Posted for: Variance	Date of Posting 7/20/86
Basistan Para I M P	rter of or
Location of property: 315 of Someca & Beach Rd,	Park Rd. + SE/cor of Somoco Port Rd.
Location of Signe Facing Som	ner Pork Rd. opprose 6' Fr. Wedway,
Remarks:	
Posted by Males	Date of return: 3/31/86
fumber of Signa: /	

Case No. 86-315-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towsen, Maryland 21204

Zoning Commissioner

Petitioner Raymond M. Porter et ur Received by Petitioner's Attorney Donald B. Brand, Psquire

Chairman, Zoning Plans Advisory Committee

FE3 3 1987

mit during this period for good cause shown. Such request must be raceived in writing by the date of the hearing Zoning Commissioner

the proposed expansion.

Being the property of Raymond M.

Porter, et ux, as shown on plat pian

granted, a building permit may

period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permi

during this period for good caus shown. Such request must be received

in writing by the date of the hearing se above or made at the hearing.

Petition for Variance

15th Election District

LOCATION: South side of Seneca Park Road, Southeast Corner of Sene-ca Park Road and Beach Road (918 Se-

necs Park Road)
DATE & TIME: Monday, Larch 10

1986, at 11:00 a.m. PUBLIC HEARING: Room 106,

County Office Building, 111 West a Chesapeake Avenue, Towson,

Maryland.
The Zening Commissioner of Baltimore County, by authority of the Zening Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to per mit a setback of 14 feet from the bulk

head in ites of the required 50 feet and to amond Case No. 4241-X to permit

Being the property of Raymond M. Porter, et ux, as shown on the plat plan filed with the Zoning Office.

Ir the event that this Petition(s) is

granted, a building permit may be is-aud within the thirty (30) day appeal

By Order Of ARNOLD JABLON,

Zoning Commissioner of Baltimore County

filed with the Zoning Office. In the event that this Petition(s) is

Armyld Jables

